



STATE OF NEW JERSEY

In the Matter of Thomas Kmetz,
Police Captain (PM1543R),
Hopatcong Borough

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2019-1295

Administrative Appeal

ISSUED: August 16, 2019 (JH)

The Division of Agency Services (Agency Services), on behalf of Hopatcong Borough, requests that the list for Police Captain (PM1843R), Hopatcong Borough, be revived in order to effectuate the appointment of Thomas Kmetz effective May 1, 2017.

By way of background, the subject list, which contained only Kmetz' name, was promulgated on April 3, 2014 and expired on April 2, 2018.¹ A certification was issued on April 7, 2014 (Certification No. PL140382) but in disposing of the certification, the appointing authority did not make an appointment.

Agency Services explains that Kmetz was provisionally appointed to the Police Captain title effective May 1, 2017. However, due to administrative error, the appointing authority did not request a certification at that time in order to effectuate a permanent appointment. Agency Services indicates that Kmetz continues to serve provisionally in the Police Captain title. Agency Services recommends that the subject eligible list be revived for Kmetz' permanent appointment.

¹ It is noted that the initial expiration date of the PM1543R list, April 2, 2017, was extended one year. See *N.J.A.C. 4A:4-3.3(b)1*. The subsequent Hopatcong Police Captain eligible list, PM1817W, was promulgated on March 14, 2019. It is noted that the PM1817W list contains the name of one eligible, Meghan McCluskey, and no certifications have been issued to date.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an expired eligible list may be revived under the following circumstances: 1. To implement a court order, in a suit filed prior to the expiration of the list; 2. To implement an order of the Civil Service Commission in an appeal or proceeding instituted during the life of the list; 3. To correct an administrative error; 4. To effect the appointment of an eligible whose working test period was terminated by a layoff; or 5. For other good cause.

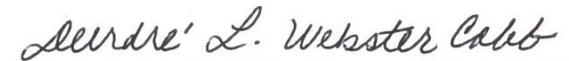
Under the circumstances presented, good cause has been established to revive the eligible list for Police Captain (PM1543R), Hopatcong Borough, so that Kmetz may be regularly appointed to the title of Police Captain. Moreover, upon successful completion of a current working test period, Kmetz shall receive a retroactive appointment date of May 1, 2017 for salary step placement and seniority-based purposes only.

ORDER

Therefore, it is ordered that this request be granted and the list for Police Captain (PM1543R), Hopatcong Borough, be revived in order to effectuate the regular appointment of Thomas Kmetz. It is also ordered that upon successful completion of a current working test period, Kmetz receive a retroactive appointment date of May 1, 2017 for salary step placement and seniority-based purposes only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 14TH DAY OF AUGUST, 2019



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